

“(3) to a member of the armed forces performing recruitment activities within the 30 days prior to commencing such activities; and

“(4) additionally as determined by the Secretary of Defense.

#### “§ 1803. Data collection and analysis

“(a) IN GENERAL.—The Senior Official for Countering Extremism shall establish and maintain a database on extremist activities in the Department of Defense.

“(b) CONTENT.—The database established under subsection (a) shall—

“(1) include records on each allegation, investigation, disciplinary action, and separation related to extremist activities within the Department of Defense;

“(2) include, as appropriate, information related to extremist activities in the armed forces provided by or generated from information from a Federal law enforcement agency; and

“(3) any other requirements prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

#### “§ 1804. Reporting requirements

“(a) ANNUAL REPORT.—Not later than December 1 of each year, the Senior Official for Countering Extremism shall submit to Congress a report on the prevalence of extremist activities within the Department of Defense.

“(b) ELEMENTS.—The report required by subsection (a) shall include each of the following elements:

“(1) The number of extremist activity allegations, investigations, disciplinary actions, and separations disaggregated data by the armed force, race, gender, ethnicity, grade, and rank of the principal.

“(2) An analysis and assessment of trends in the incidence and disposition of extremist activities during the year covered by the report.

“(3) Any other matters as determined by the Senior Official for Countering Extremism.

“(c) PUBLICATION.—The Secretary of Defense shall—

“(1) publish on an appropriate publicly available website of the Department of Defense the reports required by subsection (a); and

“(2) ensure that any data included with each such report is made available in a machine-readable format that is downloadable, searchable, and sortable.

#### “§ 1805. Definitions

“The following definitions apply in this chapter:

“(1) The term ‘extremist activities’ shall—

“(A) have the meaning prescribed by the Secretary of Defense; and

“(B) include membership in an extremist organization.

“(2) The term ‘extremist insider threat’ means a member of the armed forces or civilian employee of the Department of Defense with access to government information, systems, or facilities, who—

“(A) can use such access to do harm to the security of the United States; and

“(B) engages in extremist activities.

“(3) The term ‘extremist organization’ shall have the meaning prescribed by the Secretary of Defense.

“(4) The term ‘principal’ means a member of the armed forces or civilian employee of the Department of Defense who engages in an extremist activity, or aids, abets, counsels, commands, or procures its commission.”; and

(B) in chapter 39, by inserting after section 985 the following new section:

#### “§ 986. Prohibition on extremist activities

“(a) PROHIBITION.—An individual who engages in extremist activities may not serve as a member of the armed forces.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations regarding the separation of a member of the armed forces who engages in extremist activities.

“(c) DISSEMINATION OF EXTREMIST CONTENT.—The Secretary of Defense may use extremist content knowingly shared, disseminated, or otherwise made available online (including on social media platforms and accounts) by an individual who serves in an armed force as cause for involuntary separation of such individual from an armed force.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘extremist activities’ has the meaning given such term in section 1805 of this title.

“(2) The term ‘extremist content’ means content that expresses support for extremist activities (as that term is defined in section 1805 of this title).”.

(2) CLERICAL AMENDMENTS.—

(A) PART II OF SUBTITLE A.—The table of chapters for part II of subtitle A of title 10, United States Code, is amended by inserting after the item relating to chapter 88 the following new item:

“CHAPTER 89—COUNTERING EXTREMISM”.

(B) CHAPTER 39.—The table of sections at the beginning of chapter 39 is amended by inserting after the item relating to section 985 the following new item:

“986. Prohibition on extremist activities.”.

(b) COORDINATION OF EFFORTS WITH INSPECTOR GENERAL.—Section 554(a)(3) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by adding at the end the following new subparagraph:

“(E) The Senior Official for Countering Extremism.”.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations under chapter 89 of title 10, United States Code (including definitions under section 1805 of such title), as added by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day that the Secretary of Defense prescribes regulations under subsection (c).

(e) PROGRESS REPORT.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the implementation of chapter 89 of title 10, United States Code, as added by subsection (a)(1)(A), and the implementation of section 986 of such title, as added by subsection (a)(1)(B).

**SA 4729.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

#### **SEC. 1253. ELIGIBILITY FOR FOREIGN MILITARY SALES AND EXPORT STATUS UNDER ARMS EXPORT CONTROL ACT.**

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and

63(a)(2), by inserting “India,” before “or New Zealand” each place it appears;

(2) in section 3(b)(2), by inserting “the Government of India,” before “or the Government of New Zealand”; and

(3) in sections 21(h)(1)(A) and 21(h)(2), by inserting “India,” before “or Israel” each place it appears.

**SA 4730.** Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **DIVISION E—DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021**

##### **SEC. 5001. SHORT TITLE.**

This division may be cited as the “Department of State Authorization Act of 2021”.

##### **SEC. 5002. DEFINITIONS.**

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “‘appropriate congressional committees’” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) DEPARTMENT.—If not otherwise specified, the term “‘Department’” means the Department of State.

(3) SECRETARY.—If not otherwise specified, the term “‘Secretary’” means the Secretary of State.

#### **TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE**

##### **SEC. 5101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE'S WORK.**

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the United States Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the United States Government agencies primarily charged with conducting diplomacy and development, the Department

and the United States Agency for International Development (USAID) require sustained and robust funding to carry out this important work, which is essential to our ability to project United States leadership and values and to advance United States interests around the world;

(8) the work of the Department and USAID makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, fighting HIV/AIDS and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance and democracy, supporting anti-corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(9) the Department and USAID are vital national security agencies, whose work is critical to the projection of United States power and leadership worldwide, and without which Americans would be less safe, United States economic power would be diminished, and global stability and prosperity would suffer;

(10) investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(11) the contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

#### **SEC. 5102. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.**

(a) IN GENERAL.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.—

“(A) IN GENERAL.—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

“(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

“(i) Combating international narcotics production and trafficking.

“(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, prison systems, and the sharing of recovered assets.

“(iii) Training and equipping foreign police, border control, other government officials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

“(iv) Ensuring the inclusion of human rights and women's participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

“(v) Combating, in conjunction with other relevant bureaus of the Department of State and other United States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

“(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments' anti-corruption efforts.

“(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

“(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

“(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

“(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

“(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Relations of the Senate that United States and the Committee on Foreign Affairs of the House of Representatives enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

“(v) carry out such other relevant duties as the Secretary may assign.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.”

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) is amended by inserting after paragraph (9) the following new paragraph:

“(10) A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.”

#### **SEC. 5103. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.**

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections:

“(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

“(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.”

#### **SEC. 5104. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

(a) ESTABLISHMENT.—There should be established in the Department of State an Office of International Disability Rights (referred to in this section as the “Office”).

(b) DUTIES.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department of State staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, where applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities;

(7) advise the Bureau of Human Resources or its equivalent within the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities; and

(8) carry out such other relevant duties as the Secretary of State may assign.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary of State; or

(2) an officer exercising significant authority who reports to the President or Secretary of State, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary of State should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

#### **SEC. 5105. SPECIAL APPOINTMENT AUTHORITY.**

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 5103 of this Act, is further amended by inserting after subsection (h) the following new subsection:

“(i) SPECIAL APPOINTMENTS.—

“(1) POSITIONS EXERCISING SIGNIFICANT AUTHORITY.—The President may, by and with the advice and consent of the Senate, appoint an individual as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States. Except as provided in paragraph (3) or in clause 3, section 2, article II of the Constitution (relating to recess appointments), an individual may not be designated as a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate.

“(2) POSITIONS NOT EXERCISING SIGNIFICANT AUTHORITY.—The President or Secretary of State may appoint any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State not exercising significant authority pursuant to the laws of the United States without the advice and consent of the Senate, if the President or Secretary, not later than 15 days before the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:

“(A) A certification that the position does not require the exercise of significant authority pursuant to the laws of the United States.

“(B) A description of the duties and purpose of the position.

“(C) The rationale for giving the specific title and function to the position.

“(3) LIMITED EXCEPTION FOR TEMPORARY APPOINTMENTS EXERCISING SIGNIFICANT AUTHORITY.—The President may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function, regardless of title, at the Department of State exercising significant authority pursuant to the laws of the United States for not longer than 180 days if the Secretary of State, not later than 15 days after the appointment of a person to such a position, or 30 days after the date of the enactment of this subsection, whichever is earlier, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification that includes the following:

“(A) The necessity for conferring such title and function.

“(B) The dates during which such title and function will be held.

“(C) The justification for not submitting the proposed conferral of such title and function to the Senate as a nomination for advice and consent to appointment.

“(D) All relevant information concerning any potential conflict of interest which the proposed recipient of such title and function may have with regard to the appointment.

“(4) RENEWAL OF TEMPORARY APPOINTMENT.—The President may renew for one period not to exceed 180 days any position maintained or established under paragraph (3) if the President, not later than 15 days before issuing such renewal, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a detailed jus-

tification on the necessity of such extension, including the dates with respect to which such title will continue to be held and the justification for not submitting such title to the Senate as a nomination for advice and consent.

“(5) EXEMPTION.—Paragraphs (1) through (4) shall not apply to a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person performing a similar function, regardless of title, at the Department of State if the position is expressly mandated by statute.

“(6) EFFECTIVE DATE.—This subsection shall apply to appointments made on or after January 3, 2023.”

#### **SEC. 5106. REPEAL OF AUTHORITY FOR SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.**

Section 7 of the Tom Lantos Block Burmese Jade (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286; 50 U.S.C. 1701 note) relating to the establishment of a Special Representative and Policy Coordinator for Burma) is hereby repealed.

#### **SEC. 5107. ANTI-PIRACY INFORMATION SHARING.**

The Secretary is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

#### **SEC. 5108. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.**

It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Secretary should explore establishing a “training float” requiring that a certain percentage of the Foreign Service shall be in long-term training at any given time;

(3) the Department's Foreign Service Institute should seek to substantially increase its educational and training offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(4) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute accomplish the goals specified in paragraph (3).

#### **SEC. 5109. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.**

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 3981), by inserting “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.” after “Positions designated under this section are excepted from the competitive service.”; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 3982(a)), by inserting “, or domestically, in a position working on issues relating to a particular country or geographic area,” after “geographic area”.

#### **SEC. 5110. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.**

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appro-

priate congressional committees a report that lists all of the Government Accountability Office's recommendations relating to the Department that have not been fully implemented.

(b) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the Secretary submits the report under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that identifies any discrepancies between the list of recommendations included in such report and the Government Accountability Office's list of outstanding recommendations for the Department.

#### **(c) IMPLEMENTATION REPORT.—**

(1) IN GENERAL.—Not later than 120 days after the date of the submission of the Comptroller General's report under subsection (b), the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).

(2) JUSTIFICATION.—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and

(C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

(d) FORM.—The information required in each report under this section shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

#### **SEC. 5111. EXTENSION OF PERIOD FOR REIMBURSEMENT OF FISHERMEN FOR COSTS INCURRED FROM THE ILLEGAL SEIZURE AND DETENTION OF U.S.-FLAG FISHING VESSELS BY FOREIGN GOVERNMENTS.**

(a) IN GENERAL.—Subsection (e) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended to read as follows:

“(e) AMOUNTS.—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.”

#### **(b) RETROACTIVE APPLICABILITY.—**

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen's Protective Act of 1967, as in effect on the day before the date of the enactment of this Act, were the day after such date of enactment.

(2) AGREEMENTS AND PAYMENTS.—The Secretary is authorized to—

(A) enter into agreements pursuant to section 7 of the Fishermen's Protective Act of 1967 for any claims to which such section would otherwise apply but for the date specified in subsection (e) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered into pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

#### **SEC. 5112. ART IN EMBASSIES.**

(a) IN GENERAL.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or

other foreign mission of the United States if the purchase price of such piece of art is in excess of \$50,000, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report on the costs of the Art in Embassies Program for each of fiscal years 2012, 2013, and 2014.

(c) **SUNSET.**—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

(d) **DEFINITION.**—In this section, the term “art” includes paintings, sculptures, photographs, industrial design, and craft art.

#### **SEC. 5113. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.**

(a) **BURMA.**—

(1) **IN GENERAL.**—Section 570 of Public Law 104-208 is amended—

(A) by amending subsection (c) to read as follows:

“(c) **MULTILATERAL STRATEGY.**—The President shall develop, in coordination with likeminded countries, a comprehensive, multilateral strategy to—

“(1) assist Burma in addressing corrosive malign influence of the People’s Republic of China; and

“(2) support a return to democratic governance, and support constitutional, economic, and security sector reforms in Burma designed to—

“(A) advance democratic development and improve human rights practices and the quality of life; and

“(B) promote genuine national reconciliation.”; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking “six months” and inserting “year”; and

(ii) by redesignating paragraph (3) as paragraph (7); and

(iii) by inserting after paragraph (2) the following new paragraphs:

“(3) improvements in human rights practices;

“(4) progress toward broad-based and inclusive economic growth; and

“(5) progress toward genuine national reconciliation.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104-208 that is required after the date of the enactment of this Act.

(b) **REPEALS.**—The following provisions of law are hereby repealed:

(1) Subsection (b) of section 804 of Public Law 101-246.

(2) Section 6 of Public Law 104-45.

(3) Subsection (c) of section 702 of Public Law 96-465 (22 U.S.C. 4022).

(4) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2593b).

(5) Section 5 of Public Law 94-304 (22 U.S.C. 3005).

(6) Subsection (b) of section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-7).

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report that includes each of the following:

(1) A list of all reports described in subsection (d) required to be submitted by their respective agency.

(2) For each such report, a citation to the provision of law under which the report is required to be submitted.

(3) The reporting frequency of each such report.

(4) The estimated cost of each report, to include personnel time costs.

(d) **COVERED REPORTS.**—A report described in this subsection is a recurring report that is required to be submitted to Congress by the Department of State or the United States Agency for International Development, or by any officer, official, component, or element of each entity.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

#### **TITLE II—EMBASSY CONSTRUCTION**

##### **SEC. 5201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.**

For “Embassy Security, Construction, and Maintenance”, there is authorized to be appropriated \$1,975,449,000 for fiscal year 2022.

##### **SEC. 5202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department’s Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) **CONSULTATION.**—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees. The Secretary shall provide the appropriate congressional committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) **SUNSET.**—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

##### **SEC. 5203. CAPITAL CONSTRUCTION TRANSPARENCY.**

Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading, by striking “ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS” and inserting “BIENNIAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS”; and

(2) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this sub-

section and every 180 days thereafter until the date that is 4 years after such date of enactment, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

“(b) **CONTENTS.**—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

“(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

“(2) The current cost estimate.

“(3) The value of each request for equitable adjustment received by the Department to date.

“(4) The value of each certified claim received by the Department to date.

“(5) The value of any usage of the project’s contingency fund to date and the value of the remainder of the project’s contingency fund.

“(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

“(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

“(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

“(9) The current date of estimated completion.”.

##### **SEC. 5204. CONTRACTOR PERFORMANCE INFORMATION.**

(a) **DEADLINE FOR COMPLETION.**—The Secretary shall complete all contractor performance evaluations outstanding as of the date of the enactment of this Act required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by April 1, 2022.

(b) **PRIORITIZATION SYSTEM.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) **ELEMENTS.**—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(c) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department’s plan for completing all evaluations by April 1, 2022, in accordance with subsection (a) and the prioritization system developed pursuant to subsection (b).

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) contractors deciding whether to bid on Department contracts would benefit from

greater understanding of the Department as a client; and

(2) the Department should develop a forum where contractors can comment on the Department's project management performance.

**SEC. 5205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.**

(a) IN GENERAL.—For each new United States embassy compound (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER FEDERAL AGENCIES.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

**SEC. 5206. LONG-RANGE PLANNING PROCESS.**

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the next five years as the Secretary of State considers appropriate, the Secretary shall develop—

(A) a comprehensive 6-year plan documenting the Department's overseas building program for the replacement of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department's long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1)(A) shall also include a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current phys-

ical diplomatic presence and with which the United States maintains diplomatic relations. Such report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, including data on specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(F) A recommendation of whether any small diplomatic posts should be closed.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year's plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of each plan required under subsection (a), the Secretary shall submit the plans to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department's budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans required under subsection (a) shall be referenced to justify funding requested for building and maintenance projects overseas.

(3) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) SMALL DIPLOMATIC POST DEFINED.—In this section, the term "small diplomatic post" means any United States embassy or consulate that has employed five or fewer United States Government employees or contractors on average over the 36 months prior to the date of the enactment of this Act.

**SEC. 5207. VALUE ENGINEERING AND RISK ASSESSMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A-131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—Any operating plan that includes the allocation of capital construction and maintenance funds shall be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary shall provide to the appropriate congressional committees upon request—

(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.

**SEC. 5208. BUSINESS VOLUME.**

Section 402(c)(2)(E) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(E)) is amended by striking "in 3 years" and inserting "cumulatively over 3 years".

**SEC. 5209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**

The Secretary of State shall provide to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate upon request information on physical security deficiencies at United States diplomatic posts, including relating to the following:

(1) Requests made over the previous year by United States diplomatic posts for security upgrades.

(2) Significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

**SEC. 5210. OVERSEAS SECURITY BRIEFINGS.**

Not later than one year after the date of the enactment of this Act, the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such employees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.

**SEC. 5211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.**

(a) DELIVERY.—Unless the Secretary of State notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) NOTIFICATION.—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

(c) PERFORMANCE EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO's "Standards for Internal Control in the Federal Government" that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department.

**SEC. 5212. COMPETITION IN EMBASSY CONSTRUCTION.**

Not later than 45 days after the date of the enactment of this Act, the Secretary of

State shall submit to the appropriate congressional committee and the Committees on Appropriations of the Senate and the House of Representatives a report detailing steps the Department of State is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

#### SEC. 5213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

#### SEC. 5214. DEFINITIONS.

In this title:

(1) **DESIGN-BUILD.**—The term “design-build” means a method of project delivery in which one entity works under a single contract with the Department to provide design and construction services.

(2) **NON-STANDARD DESIGN.**—The term “non-standard design” means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.

### TITLE III—PERSONNEL ISSUES

#### SEC. 5301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) **APPLICATION FOR WAIVERS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Department of Labor for a waiver from insurance requirements under the Defense Base Act (42 U.S.C. 1651 et seq.) for all countries with respect to which the requirement was waived prior to January 2017, and for which there is not currently a waiver.

(b) **CERTIFICATION REQUIREMENT.**—Not later than 45 days after the date of the enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

#### SEC. 5302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than one year after date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an empirical analysis on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

(2) **CONTENTS.**—The analysis required under paragraph (1) shall—

(A) identify all allowances paid to FSOs assigned permanently or on temporary duty to foreign areas;

(B) examine the efficiency of the Foreign Service bidding system in determining foreign assignments;

(C) examine the factors that incentivize FSOs to bid on particular assignments, including danger levels and hardship conditions;

(D) examine the Department's strategy and process for incentivizing FSOs to bid on assignments that are historically in lower demand, including with monetary compensation, and whether monetary compensation is necessary for assignments in higher demand;

(E) make any relevant comparisons to military compensation and allowances, not-

ing which allowances are shared or based on the same regulations;

(F) recommend options for restructuring allowances to improve the efficiency of the assignments system and better align FSO incentives with the needs of the Foreign Service, including any cost savings associated with such restructuring;

(G) recommend any statutory changes necessary to implement subparagraph (F), such as consolidating existing legal authorities for the provision of hardship and danger pay; and

(H) detail any effects of recommendations made pursuant to subparagraphs (F) and (G) on other United States Government departments and agencies with civilian employees permanently assigned or on temporary duty in foreign areas, following consultation with such departments and agencies.

(b) **BRIEFING REQUIREMENT.**—Before initiating the analysis required under subsection (a)(1), and not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs in the House of Representatives a briefing on the implementation of this section that includes the following:

(1) The name of the federally funded research and development center that will conduct such analysis.

(2) The scope of such analysis and terms of reference for such analysis as specified between the Department and such federally funded research and development center.

(c) **AVAILABILITY OF INFORMATION.**—

(1) **IN GENERAL.**—The Secretary shall make available to the federally-funded research and development center carrying out the analysis required under subsection (a)(1) all necessary and relevant information to allow such center to conduct such analysis in a quantitative and analytical manner, including historical data on the number of bids for each foreign assignment and any survey data collected by the Department from eligible bidders on their bid decision-making.

(2) **COOPERATION.**—The Secretary shall work with the heads of other relevant United States Government departments and agencies to ensure such departments and agencies provide all necessary and relevant information to the federally-funded research and development center carrying out the analysis required under subsection (a)(1).

(d) **INTERIM REPORT TO CONGRESS.**—The Secretary shall require that the chief executive officer of the federally-funded research and development center that carries out the analysis required under subsection (a)(1) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an interim report on such analysis not later than 180 days after the date of the enactment of this Act.

#### SEC. 5303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by adding at the end the following new subsection:

“(e) **GRANTS AND COOPERATIVE AGREEMENTS RELATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAMS.**—

“(1) **IN GENERAL.**—The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

“(2) **EXCLUSION FROM CONSIDERATION AS COMPENSATION.**—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

“(3) **MAXIMUM ANNUAL AMOUNT.**—The total amount of grants made pursuant to this subsection may not exceed \$500,000 in any fiscal year.”.

#### SEC. 5304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking “1 round-trip per year for each child below age 21 of a member of the Service assigned abroad” and inserting “in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year”;

(2) in subparagraph (A)—

(A) by inserting “for each child” before “to visit the member abroad”; and

(B) by striking “; or” and inserting a comma;

(3) in subparagraph (B)—

(A) by inserting “for each child” before “to visit the other parent”; and

(B) by inserting “or” after “resides.”;

(4) by inserting after subparagraph (B) the following new subparagraph:

“(C) for one of the child's parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code.”; and

(5) in the matter following subparagraph (C), as added by paragraph (4) of this section, by striking “a payment” and inserting “the cost of round-trip travel”.

#### SEC. 5305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4083(b)) is amended by adding at the end the following new sentence: “In cases in which a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, the member may take the leave ordered under this section where that member's family members reside, notwithstanding section 6305 of title 5, United States Code.”.

#### SEC. 5306. SENSE OF CONGRESS REGARDING CERTAIN FELLOWSHIP PROGRAMS.

It is the sense of Congress that Department fellowships that promote the employment of candidates belonging to under-represented groups, including the Charles B. Rangel International Affairs Graduate Fellowship Program, the Thomas R. Pickering Foreign Affairs Fellowship Program, and the Donald M. Payne International Development Fellowship Program, represent smart investments vital for building a strong, capable, and representative national security workforce.

#### SEC. 5307. TECHNICAL CORRECTION.

Subparagraph (A) of section 601(c)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended, in the matter preceding clause (i), by—

(1) striking “promotion” and inserting “promotion, on or after January 1, 2017.”; and

(2) striking “individual joining the Service on or after January 1, 2017,” and inserting “Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service”.

#### SEC. 5308. FOREIGN SERVICE AWARDS.

(a) **IN GENERAL.**—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: “DEPARTMENT AWARDS”; and

(2) in the first sentence, by inserting “or Civil Service” after “the Service”.



(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows:

“Sec. 614. Department awards.”.

**SEC. 5309. DIPLOMATIC PROGRAMS.**

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Secretary should continue to hold entry-level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.

(b) LIMITATION.—The Secretary should not implement any reduction-in-force action under section 3502 or 3595 of title 5, United States Code, or for any incentive payments for early separation or retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such obligation or expenditure; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department's strategic staffing goals, including—

(A) a justification that describes how any proposed workforce reduction enhances the effectiveness of the Department;

(B) a certification that such workforce reduction is in the national interest of the United States;

(C) a comprehensive strategic staffing plan for the Department, including 5-year workforce forecasting and a description of the anticipated impact of any proposed workforce reduction; and

(D) a dataset displaying comprehensive workforce data for all current and planned employees of the Department, disaggregated by—

(i) Foreign Service officer and Foreign Service specialist rank;

(ii) civil service job skill code, grade level, and bureau of assignment;

(iii) contracted employees, including the equivalent job skill code and bureau of assignment; and

(iv) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

**SEC. 5310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.**

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 5406 of this Act, including those veterans belonging to traditionally underrepresented groups at the Department;

(2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global affairs bureaus and diplomatic posts overseas; and

(3) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

**SEC. 5311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should expand

the appeal process it makes available to employees related to assignment preclusions and restrictions.

(b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Subsection (a) of section 414 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by adding at the end the following new sentences: “Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.”.

(c) NOTICE AND CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise, and certify to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to expressly state that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.

**SEC. 5312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) career Department employees provide invaluable service to the United States as nonpartisan professionals who contribute subject matter expertise and professional skills to the successful development and execution of United States foreign policy; and

(2) reemployment of skilled former members of the Foreign and civil service who have voluntarily separated from the Foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) NOTICE OF EMPLOYMENT OPPORTUNITIES.—Title 5, United States Code, is amended by inserting after chapter 102 the following new chapter:

**“CHAPTER 103—DEPARTMENT OF STATE**

**“Sec.**

**“10301. Notice of employment opportunities for Department of State and USAID positions.**

**“10302. Consulting services for the Department of State.**

**“§ 10301. Notice of employment opportunities for Department of State and USAID positions**

“To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, on publicly accessible sites, including [www.usajobs.gov](http://www.usajobs.gov). If using merit promotion procedures, the notice shall expressly state that former employees eligible for reinstatement may apply.”.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 5, United States Code, is amended by inserting after the item relating to chapter 102 the following:

**“103. Department of State .....10301.”.**

**SEC. 5313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.**

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act,

the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive 5-year strategic staffing plan for the Department that is aligned with and furthers the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued not later than 18 months after the date of the enactment of this Act, which shall include the following:

(1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO-19-220, for all current and planned employees of the Department, disaggregated by—

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment; and

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(b) MAINTENANCE.—The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) CONSULTATION.—The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department's workforce.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department's plan to implement recommendations described in GAO-19-220.

**SEC. 5314. CONSULTING SERVICES.**

Chapter 103 of title 5, United States Code, as added by section 5312, is amended by adding at the end the following:

**“§ 10302. Consulting services for the Department of State**

“Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.”.

**SEC. 5315. INCENTIVES FOR CRITICAL POSTS.**

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) is amended by striking the last sentence.

**SEC. 5316. EXTENSION OF AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW BOARDS.**

Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended—

(1) in the heading, by striking “AFGHANISTAN AND” and inserting “AFGHANISTAN, YEMEN, SYRIA, AND”; and

(2) in subparagraph (A)—

(A) in clause (i), by striking “Afghanistan or” and inserting “Afghanistan, Yemen, Syria, or”; and

(B) in clause (ii), by striking “beginning on October 1, 2005, and ending on September 30, 2009” and inserting “beginning on October 1, 2020, and ending on September 30, 2022”.

**SEC. 5317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.**

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “suspend” and inserting “indefinitely suspend without duties”;

(2) by redesignating paragraph (5) as paragraph (7);

(3) by inserting after paragraph (4) the following new paragraphs:

“(5) Any member of the Service suspended from duties under this subsection may be suspended without pay only after a final written decision is provided to such member under paragraph (2).

“(6) If no final written decision under paragraph (2) has been provided within 1 calendar year of the date the suspension at issue was proposed, not later than 30 days thereafter the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons for such delay.”; and

(4) in paragraph (7), as so redesignated—

(A) by striking “(7) In this subsection.”;

(B) in subparagraph (A), by striking “(A) The term” and inserting the following:

“(7) In this subsection, the term”;

(C) by striking subparagraph (B) (relating to the definition of “suspend” and “suspension”); and

(D) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and moving such subparagraphs 2 ems to the left.

**SEC. 5318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(b) COVERED PERIODS.—The first report required under subsection (a) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(c) CONTENTS.—Each report required under subsection (a) shall contain the following:

(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

**SEC. 5319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.**

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS-0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on dem-

onstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements.

**SEC. 5320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.**

The Secretary may appoint, for a 3-year period that may be extended for up to an additional 2 years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

**SEC. 5321. EDUCATION ALLOWANCES DUE TO CORONAVIRUS.**

(a) IN GENERAL.—The authority under section 5924 of title 5, United States Code, may be exercised by the Secretary of State and the heads of other Federal agencies for education allowances to employees who are in the United States with assignment orders to a foreign area and for whom service abroad has been interrupted or delayed because of the coronavirus pandemic without regard to the foreign area limitations referenced therein.

(b) TERMINATION.—The authority under subsection shall expire on September 30, 2022.

**SEC. 5322. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.**

Subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “a lead Inspector General for” and inserting “any of the Inspectors General specified in subsection (c) for oversight of”.

**SEC. 5323. REPORT RELATING TO FOREIGN SERVICE OFFICER TRAINING AND DEVELOPMENT.**

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report certain fellowship or detail opportunities for Department of State Foreign Service personnel.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) The number of Senior Foreign Service Officer generalists who, as of the date of the enactment of this Act, have done a tour of at least one year in any of the agencies or congressional committees described in subsection (a).

(2) The total number of senior Foreign Service Officer generalists as of the date of the enactment of this Act.

(3) The average number of Senior Foreign Service Officer generalists inducted annually during the 10 years preceding the date of the enactment of this Act.

(4) The total number of Department advisors stationed in any of the agencies or congressional offices described in subsection (a), including the agencies or offices in which such advisors serve.

(5) The total number of advisors from other United States Government agencies stationed in the Department of State (excluding defense attaches, senior defense officials, and other Department of Defense personnel stationed in United States missions abroad), the home agency of the advisor, and the offices in which such advisors serve.

**TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION**

**SEC. 5401. DEFINITIONS.**

In this title:

(1) APPLICANT FLOW DATA.—The term “applicant flow data” means data that tracks the rate of applications for job positions among demographic categories.

(2) DEMOGRAPHIC DATA.—The term “demographic data” means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67398).

(3) DIVERSITY.—The term “diversity” means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) WORKFORCE.—The term “workforce” means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902));

(C) all individuals serving under a personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

**SEC. 5402. EXIT INTERVIEWS FOR WORKFORCE.**

(a) RETAINED MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—

(1) to understand the reasons of individuals in such workforce for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the workforce to remain in the Department.

(b) DEPARTING MEMBERS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall provide an opportunity for an exit interview to each individual in the workforce of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.

(c) USE OF ANALYSIS FROM INTERVIEWS.—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine to what extent, if any, the diversity of those participating in such interviews impacts the results.

(d) TRACKING DATA.—The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and



(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

#### SEC. 5403. RECRUITMENT AND RETENTION.

(a) IN GENERAL.—The Secretary shall—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

(b) SCOPE.—The diversity recruitment initiatives described in subsection (a) shall include—

(1) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;

(5) expanding the use of paid internships; and

(6) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

(c) EXPAND TRAINING ON ANTI-HARASSMENT AND ANTI-DISCRIMINATION.—

(1) IN GENERAL.—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including in existing Foreign Service Institute courses or modules prioritized in the Department's Diversity and Inclusion Strategic Plan for 2016-2020 to promote diversity in Bureau awards or mitigate unconscious bias;

(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and

(C) make such expanded training mandatory for—

(i) individuals in senior and supervisory positions;

(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

(2) BEST PRACTICES.—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

#### SEC. 5404. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.—

(1) IN GENERAL.—The Secretary shall implement performance and advancement requirements that reward and recognize the ef-

forts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

(2) OUTREACH EVENTS.—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) EXTERNAL ADVISORY COMMITTEES AND BOARDS.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

#### SEC. 5405. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(1) IN GENERAL.—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and Tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(2) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

(i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

(iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

#### SEC. 5406. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) FOREIGN SERVICE EXAMINATIONS.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking “The Secretary” and inserting: “(1) The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least five cities in three different time zones across the United States.”.

#### SEC. 5407. PAYNE FELLOWSHIP AUTHORIZATION.

(a) IN GENERAL.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) REVIEW OF PAST PROGRAMS.—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

#### SEC. 5408. VOLUNTARY PARTICIPATION.

(a) IN GENERAL.—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(b) PRIVACY PROTECTION.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

### TITLE V—INFORMATION SECURITY

#### SEC. 5501. DEFINITIONS.

In this title:

(1) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

#### SEC. 5502. LIST OF CERTAIN TELECOMMUNICATIONS PROVIDERS.

(a) LIST OF COVERED CONTRACTORS.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence and other appropriate Federal agencies as determined jointly by the Secretary and the Director of National Intelligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the Department should seek to avoid entering into contracts. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(b) COVERED CONTRACTOR DEFINED.—In this section, the term “covered contractor” means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with

such government, listed as a cyber threat actor in the intelligence community's 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

**SEC. 5503. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.**

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking “26” and inserting “20”; and

(2) in section 404 (22 U.S.C. 4354)—

(A) in subsection (a)(1), by striking “30” and inserting “25”; and

(B) in subsection (c)(1)(C), by striking “30” and inserting “25”.

**TITLE VI—PUBLIC DIPLOMACY**

**SEC. 5601. SHORT TITLE.**

This title may be cited as the “Public Diplomacy Modernization Act of 2021”.

**SEC. 5602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.**

The Secretary shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordination of efforts across public diplomacy bureaus and offices of the Department; and

(2) maximize shared use of resources between, and within, such public diplomacy bureaus and offices in cases in which programs, facilities, or administrative functions are duplicative or substantially overlapping.

**SEC. 5603. IMPROVING RESEARCH AND EVALUATION OF PUBLIC DIPLOMACY.**

(a) **RESEARCH AND EVALUATION ACTIVITIES.**—The Secretary, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

(1) conduct regular research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and impact evaluations, to plan and execute such programs and activities; and

(2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).

(b) **DIRECTOR OF RESEARCH AND EVALUATION.**—

(1) **APPOINTMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall appoint a Director of Research and Evaluation (referred to in this subsection as the “Director”) in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.

(2) **LIMITATION ON APPOINTMENT.**—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department.

(3) **RESPONSIBILITIES.**—The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department in order to—

(i) improve public diplomacy strategies and tactics; and

(ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts' public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;

(E) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and

(F) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.

(4) **GUIDANCE AND TRAINING.**—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department.

(c) **PRIORITIZING RESEARCH AND EVALUATION.**—

(1) **IN GENERAL.**—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(2) **ALLOCATION OF RESOURCES.**—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff across all public diplomacy bureaus and offices of the Department.

(3) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings “Educational and Cultural Exchange Programs” and “Diplomatic Programs” for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices.

(d) **LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.**—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department of State for the purpose of audience research, monitoring, and evaluations, and in connection with the Department's activities conducted pursuant to any of the following:

(1) The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(2) Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 22 U.S.C. 2656 note).

(3) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(e) **LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.**—

(1) **IN GENERAL.**—The Department shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences.

(2) **CONDITIONS.**—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(f) **UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**—

(1) **SUBCOMMITTEE FOR RESEARCH AND EVALUATION.**—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.

(2) **ANNUAL REPORT.**—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report, in conjunction with the United States Advisory Commission on Public Diplomacy's Comprehensive Annual Report on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

**SEC. 5604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking “SUNSET” and inserting “CONTINUATION”; and

(2) by striking “until October 1, 2021”.

**SEC. 5605. STREAMLINING OF SUPPORT FUNCTIONS.**

(a) **WORKING GROUP ESTABLISHED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a).

**SEC. 5606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound would result in the closure or co-location of an American Space, American Center, American Corner, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

(b) **REQUIREMENTS.**—The guidelines required by subsection (a) shall include the following:

(1) Standardized notification to each chief of mission at a diplomatic post describing the requirements of the Secure Embassy Construction and Counterterrorism Act of 1999 and the impact on the mission footprint of such requirements.

(2) An assessment and recommendations from each chief of mission of potential impacts to public diplomacy programming at such diplomatic post if any public diplomacy facility referred to in subsection (a) is closed or staff is co-located in accordance with such Act.

(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congressional committees, prior to the initiation of a new embassy compound or new consulate compound design, of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

#### **SEC. 5607. DEFINITIONS.**

In this title:

(1) **AUDIENCE RESEARCH.**—The term “audience research” means research conducted at the outset of a public diplomacy program or the outset of campaign planning and design regarding specific audience segments to understand the attitudes, interests, knowledge, and behaviors of such audience segments.

(2) **DIGITAL ANALYTICS.**—The term “digital analytics” means the analysis of qualitative and quantitative data, accumulated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) **IMPACT EVALUATION.**—The term “impact evaluation” means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) **PUBLIC DIPLOMACY BUREAUS AND OFFICES.**—The term “public diplomacy bureaus and offices” means, with respect to the Department, the following:

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.

(C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.

(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

### **TITLE VII—COMBATING PUBLIC CORRUPTION**

#### **SEC. 5701. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) it is in the foreign policy interest of the United States to help foreign countries promote good governance and combat public corruption;

(2) multiple Federal departments and agencies operate programs that promote good governance in foreign countries and enhance such countries’ ability to combat public corruption; and

(3) the Department of State should—

(A) promote coordination among the Federal departments and agencies implementing programs to promote good governance and combat public corruption in foreign countries in order to improve effectiveness and efficiency; and

(B) identify areas in which United States efforts to help other countries promote good

governance and combat public corruption could be enhanced.

#### **SEC. 5702. DEFINITIONS.**

In this title:

(1) **CORRUPT ACTOR.**—The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) **CORRUPTION.**—The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) **SIGNIFICANT CORRUPTION.**—The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of government.

(B) Involves economically or socially large-scale government activities.

#### **SEC. 5703. PUBLICATION OF TIERED RANKING LIST.**

(a) **IN GENERAL.**—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) **TIER 1 COUNTRIES.**—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 5704.

(c) **TIER 2 COUNTRIES.**—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 5704, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) **TIER 3 COUNTRIES.**—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 5704.

#### **SEC. 5704. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.**

(a) **IN GENERAL.**—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) **FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.**—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts

and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) **ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.**—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country’s compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of

Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the “Anti-Bribery Convention”).

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

**SEC. 5705. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.**

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note)—

(1) in all countries identified as tier 3 countries under section 5703; or

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) REPORT REQUIRED.—Not later than 180 days after publishing the list required by section 5703(a) and annually thereafter, the Secretary of State shall submit to the committees specified in subsection (f) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons found to have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) FORM OF REPORT.—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by subsection (b)(4)) provide a briefing to the committees specified in subsection (f) instead of submitting a written report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the United States.

(e) TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

**SEC. 5706. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.**

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 5703, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact

shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

(B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

**TITLE VIII—GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY REAUTHORIZATION ACT**

**SEC. 5801. SHORT TITLE.**

This title may be cited as the “Global Magnitsky Human Rights Accountability Reauthorization Act”.

**SEC. 5802. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.**

(a) DEFINITIONS.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended by striking paragraph (2) and inserting the following:

“(2) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.”.

(b) SENSE OF CONGRESS.—The Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended by inserting after section 1262 the following new section:

**“SEC. 1262A. SENSE OF CONGRESS.**

“It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.”.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Subsection (a) of section 1263 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended to read as follows:

“(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to—

“(1) any foreign person that the President determines, based on credible information—

“(A) is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse;

“(B) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

“(i) corruption, including—

“(I) the misappropriation of state assets;

“(II) the expropriation of private assets for personal gain;

“(III) corruption related to government contracts or the extraction of natural resources; or

“(IV) bribery; or

“(ii) the transfer or facilitation of the transfer of the proceeds of corruption;

“(C) is or has been a leader or official of—

“(i) an entity, including a government entity, that has engaged in, or whose members

have engaged in, any of the activities described in subparagraph (A) or (B) related to the tenure of the leader or official; or

“(ii) an entity whose property and interests in property are blocked pursuant to this section as a result of activities related to the tenure of the leader or official;

“(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

“(i) an activity described in subparagraph (A) or (B) that is conducted by a foreign person;

“(ii) a person whose property and interests in property are blocked pursuant to this section; or

“(iii) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described in subparagraph (A) or (B) conducted by a foreign person; or

“(E) is owned or controlled by, or has acted or been purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section; and

“(2) any immediate family member of a person described in paragraph (1).”.

(2) CONSIDERATION OF CERTAIN INFORMATION.—Subsection (c)(2) of such section is amended by inserting “corruption and” after “monitor”.

(3) REQUESTS BY CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “subsection (a)(1)”; and

(ii) in subparagraph (B)(i), by inserting “or an immediate family member of the person”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “HUMAN RIGHTS VIOLATIONS” and inserting “SERIOUS HUMAN RIGHTS ABUSE”; and

(II) by striking “described in paragraph (1) or (2) of subsection (a)” and inserting “described in subsection (a)(1) relating to serious human rights abuse”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “described in paragraph (3) or (4) of subsection (a)” and inserting “described in subsection (a)(1) relating to corruption or the transfer or facilitation of the transfer of the proceeds of corruption”; and

(II) by striking “ranking member of” and all that follows through the period at the end and inserting “ranking member of one of the appropriate congressional committees”.

(4) TERMINATION OF SANCTIONS.—Subsection (g) of such section is amended, in the matter preceding paragraph (1), by inserting “and the immediate family members of that person” after “a person”.

(d) REPORTS TO CONGRESS.—Section 1264(a) of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended—

(1) in paragraph (5), by striking “; and” and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) A description of additional steps taken by the President through diplomacy, international engagement, and assistance to foreign or security sectors to address persistent underlying causes of serious human rights abuse and corruption in each country in which foreign persons with respect to which sanctions have been imposed under section 1263 are located.”.

(e) REPEAL OF SUNSET.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is repealed.

#### TITLE IX—OTHER MATTERS

##### SEC. 5901. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.

Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking “No assistance” and inserting the following:

“(1) No assistance”;

(2) by inserting “the government of” before “any country”;

(3) by inserting “the government of” before “such country” each place it appears;

(4) by striking “determines” and all that follows and inserting “determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.”; and

(5) by adding at the end the following new paragraph:

“(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.”.

##### SEC. 5902. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113-150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “, respectively,” after “access cases”; and

(ii) by inserting “and the number of children involved” before the semicolon at the end; and

(B) in subparagraph (D), by inserting “respectively, the number of children involved,” after “access cases,”;

(2) in paragraph (7), by inserting “, and number of children involved in such cases” before the semicolon at the end;

(3) in paragraph (8), by striking “and” after the semicolon at the end;

(4) in paragraph (9), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following new paragraph:

“(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.”.

##### SEC. 5903. CONGRESSIONAL OVERSIGHT, QUARTERLY REVIEW, AND AUTHORITY RELATING TO CONCURRENCE PROVIDED BY CHIEFS OF MISSION FOR THE PROVISION OF SUPPORT RELATING TO CERTAIN UNITED STATES GOVERNMENT OPERATIONS.

(a) NOTIFICATION REQUIRED.—Not later than 30 days after the date on which a chief of mission provides concurrence for the provision of United States Government support to entities or individuals engaged in facilitating or supporting United States Govern-

ment operations within the area of responsibility of the chief of mission, the Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the provision of such concurrence.

(b) QUARTERLY REVIEW, DETERMINATION, AND BRIEFING REQUIRED.—Not less frequently than every 90 days, the Secretary of State shall, in order to ensure support described in subsection (a) continues to align with United States foreign policy objectives and the objectives of the Department of State—

(1) conduct a review of any concurrence described in subsection (a) in effect as of the date of the review;

(2) based on the review, determine whether to revoke any such concurrence pending further study and review; and

(3) brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the results of the review.

(c) REVOCATION OF CONCURRENCE.—Based on the review conducted pursuant to subsection (b), the Secretary may revoke any such concurrence.

(d) ANNUAL REPORT REQUIRED.—Not later than January 31 of each year, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes the following:

(1) A description of any support described in subsection (a) that was provided with the concurrence of a chief of mission during the calendar year preceding the calendar year in which the report is submitted.

(2) An analysis of the effects of the support described in paragraph (1) on diplomatic lines of effort, including with respect to—

(A) Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) and associated Anti-Terrorism Assistance (ATA) programs;

(B) International Narcotics Control and Law Enforcement (INCLE) programs; and

(C) Foreign Military Sales (FMS), Foreign Military Financing (FMF), and associated training programs.

##### SEC. 5904. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and legal permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;

(2) the lessons learned from such repatriations; and

(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

**SA 4731.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

##### SEC. \_\_\_\_\_. DEVELOPMENT AND TESTING OF DYNAMIC SCHEDULING AND MANAGEMENT OF SPECIAL ACTIVITY AIRSPACE.

(a) SENSE OF CONGRESS ON SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—It is the sense of Congress that—

(1) where it does not conflict with safety, dynamic scheduling and management of special activity airspace (also referred to as “dynamic airspace”) is expected to optimize the use of the national airspace system for all stakeholders; and

(2) the Administrator of the Federal Aviation Administration and the Secretary of Defense should take such actions as may be necessary to support ongoing efforts to develop dynamic scheduling and management of special activity airspace, including—

(A) the continuation of formal partnerships between the Federal Aviation Administration and the Department of Defense that focus on special activity airspace, future airspace needs, and joint solutions; and

(B) maturing research within their federally funded research and development centers, Federal partner agencies, and the aviation community.

(b) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program on developing and testing dynamic management of special activity airspace in order to accommodate emerging military training requirements through flexible scheduling, along with increasing access to existing special activity airspace used by the Department of Defense for test and training.

(2) TESTING OF SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly test not fewer than three areas of episodic or permanent special activity airspace designated by the Federal Aviation Administration for use by the Department of Defense, of which—

(A) at least one shall be over coastal waters of the United States;

(B) at least two shall be over land of the United States;

(C) access to airspace available for test and training is increased to accommodate dynamic scheduling of existing airspace to more efficiently and realistically provide test and training capabilities to Department of Defense aircrews; and

(D) any increase in access to airspace made available for test and training shall not conflict with the safe management of the national airspace system or the safety of all stakeholders of the national airspace system.

(c) REPORT BY THE ADMINISTRATOR.—

(1) IN GENERAL.—Not less than two years after the date of the establishment of the pilot program under subsection (b)(1), the Administrator shall submit to the appropriate committees of Congress a report on the interim findings of the Administrator with respect to the pilot program.

(2) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An analysis of how the pilot program established under subsection (b)(1) affected access to special activity airspace by non-military users of the national airspace system.

(B) An analysis of whether the dynamic management of special activity airspace conducted for the pilot program established under subsection (b)(1) contributed to more